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EXAMINER
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LEBRON, JANNELLE M

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2861

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/828,736	Applicant(s) HEILES ET AL.	
	Examiner Jannelle M. Lebron	Art Unit 2861	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28,30-36 and 40-46 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-8,18,22-28,30-36 and 40-46 is/are rejected.
- 7) ☒ Claim(s) 9-17 and 19-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Gast et al. (US 6,076,915).

3. Gast et al. discloses a method for calibrating one or more printheads (see abstract), the method comprising:

printing a first reference image (solid lines 90 in fig. 5) using a first portion of image forming points of a first printhead (the reference pen);

printing a first diagnostic image (dashed lines 92 in fig. 5) using a second portion of image forming points of either the first printhead or a second printhead (the color pen), wherein the first reference image and the first diagnostic image at least partially overlap (as seen in figs. 4 and 5);

detecting a first optical density of the combined first reference image and the first diagnostic image (with sensor 58; col. 8, lines 31-33); and

determining a compensation value based upon the first optical density (col. 8, lines 33-36).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4, 6-8, 18, 22-28, 30-36 and 40-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikori et al. (US Patent 6,832,825) in view of Ishibashi (US 2003/0210412).

6. Nishikori et al. discloses a method for calibrating one or more printheads [1A-1D in fig.1],

- Claim 1:

the method comprising:

printing a first reference image (1 in pattern [A] in fig. 7) using a first portion of image forming points ([a] in fig. 7) of a first printhead;

printing a first diagnostic image (1 in patch [B] or 5 in patch [F] in fig. 7) using a second portion of image forming points ([b] in fig. 7) of either the first printhead or a second printhead;

detecting a first optical density of the combined first reference image and the first diagnostic image (step 3 in fig. 6; col. 14, lines 4-8); and

determining a compensation value based upon the first optical density (step 4 in fig. 6).

Thus, Nishikori et al. discloses all the claimed limitations except for "wherein the first reference image and the first diagnostic image at least partially overlap."

Ishibashi discloses a misalignment detection method where an alignment pattern is obtained by printing a reference pattern and a diagnostic image, wherein both partially overlap (as seen in fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Nishikori et al. invention to include means for partially overlapping the reference image with the diagnostic image as taught by Ishibashi for the purpose of detecting an optical density in order to calibrate the printheads.

7. Nishikori et al. further discloses a method for calibrating one or more printheads:

- Claim 2:

wherein the first portion of image forming points comprises a first segment of a column of image forming points and wherein the second portion comprises a second segment of the column of image forming points on the first printhead (as seen in fig. 7).

- Claim 4:

wherein the first diagnostic image is printed using the second portion of image forming points of the first printhead (as seen in fig. 7).

- Claim 6:

including advancing the print media a distance such that the first reference image and the diagnostic image are in vertical alignment (as seen in fig. 7)

- Claim 7:

including adjusting a time at which the first portion dispenses ink based upon the compensation value (col.6, lines 42-47; if the density of the nozzles is controlled, the timing at which they eject ink is adjusted as well).

- Claim 8:

including forming images using the first portion and the second portion at different times based upon the compensation value (the density [and timing] is corrected for each nozzle block).

- Claim 18:

wherein the first portion and the second portion comprise identical portions of the first printhead, wherein the first portion is printed during overall movement as the first printhead in a forward direction and wherein the second portion (5 in fig. 7) is printed during overall movement the first printhead in a reverse direction (col. 10, lines 57-67).

- Claim 22:

wherein the first portion and the second portion have mutually exclusive image forming points (col. 10, lines 32-35; as seen in fig. 7).

- Claim 23:

wherein the first portion is designed to be spaced from the second portion by a predetermined distance in a first direction (the nozzles are spaced apart by a predetermined amount), wherein the first diagnostic image is printed on the print medium using the first portion while the first printhead is at a first horizontal position and wherein the second diagnostic image is printed upon the print medium using the second portion while said one of the first printhead and the second printhead is at a second

horizontal position spaced from the first position by the predetermined distance in the first direction (as seen in fig. 7).

- Claim 24:

wherein the second portion is on the first printhead (as seen in fig. 7).

- Claim 25:

wherein the first reference image includes a first plurality of marks, wherein each of the first plurality of marks is printed upon the medium using the first portion of the first printhead and wherein the first diagnostic image includes a second plurality of marks, wherein each of the second plurality of marks is printed upon the medium using the second portion of said one of the first printhead and the second printhead (as seen in fig. 7).

- Claim 26:

first portion and the second portion each include a plurality of image forming points (col. 10, lines 32-35; as seen in fig. 7).

- Claim 27:

wherein the first reference image is printed by dispensing a material (ink) from the first portion of image forming points.

- Claim 28:

wherein the first reference image is printed by applying heat with the first portion of image forming points (col. 8, lines 2-6).

- Claim 30:

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including moving the first printhead along a single scan axis while printing both the first reference image and the first diagnostic image (as seen in fig.7).

- Claim 31:

wherein the first reference image and the first diagnostic image each include at least one mark having a major height in a first direction and a minor width and wherein the first reference image and the first diagnostic image are offset from one another perpendicular to the first direction (as seen in fig.7).

- Claim 44:

wherein the first reference image and the first diagnostic image are a same color (printed by the same printhead).

8. Nishikori et al. further discloses a printing system

- Claim 32:

comprising:

a printhead (1A-1D in fig. 1) having image forming points (nozzles 22 in fig. 3);

a sensor 30 in figs. 1 and 2); and

a controller (100 in fig. 5), wherein the controller is configured to generate first control signal and a second control signal , wherein the printhead is configured to print a reference image upon the print medium using a first portion of the image forming points and a diagnostic image upon the print medium using a second portion of the image forming points in response to the first control signal (col.8, lines 7-14), wherein the sensor is configured to determine an optical density of a combination of the reference

image and the diagnostic image in response to the second control signal and the controller is configured to determine a compensation value based upon the optical density (col. 8, lines 15-24; steps 3 and 4 in fig. 6).

Thus, Nishikori et al. discloses all the claimed limitations except for "wherein the first reference image and the first diagnostic image at least partially overlap" and "wherein the optical density varies depending upon an extent to which the reference image and the diagnostic image overlap."

Ishibashi discloses a misalignment detection method where an alignment pattern is obtained by printing a reference pattern and a diagnostic image, wherein both partially overlap (as seen in fig. 2) and the optical density varies depending on how the quantity of overlap (paragraphs 0126-0129). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Nishikori et al. invention to include means for partially overlapping the reference image with the diagnostic image, the optical density varies depending upon an extent to which the reference image and the diagnostic image overlap as taught by Ishibashi for the purpose of detecting an optical density in order to calibrate the printheads.

- Claim 33:

wherein the controller is configured to generate a third control signal based upon the determined compensation value and wherein the carriage mechanism is configured to move the printhead in response to the third control signals (col. 8, lines 25-41).

- Claim 34:

wherein the controller is configured to generate third control signals and wherein the media handling system is configured to advance the print medium between printing of the reference image and the diagnostic image in response to the third control signals (col. 8, lines 25-4; the paper is fed between forward scans).

- Claim 35:

including moving the first printhead along a single scan axis while printing both the reference image and the diagnostic image (as seen in fig. 7).

- Claim 36:

wherein the reference image and the diagnostic image each include at least one mark having a major height in a first direction and a minor width and wherein the reference image and the diagnostic image are offset from one another perpendicular to the first direction (as seen in fig. 7).

- Claim 45:

wherein the first reference image and the first diagnostic image are a same color (printed by the same printhead)

9. The computer-readable media limitations of claim 40 are deemed to be inherent in view of the method steps and system disclosed above, since it would be necessary to execute the instructions configured by the computer-readable media in order for the apparatus to perform its intended functions.

10. The printing system limitations of claims 41, 42 and 46 are deemed to be inherent in view of the method steps disclosed above, since it would be necessary to perform the claimed steps in order for the apparatus to perform its intended functions.

11. Nishikori et al. further discloses a method for calibrating one or more printheads (1A-1D in fig. 1), the method comprising:

- Claim 43:

printing patches of reference images (1 in pattern [A] in fig. 7) and diagnostic images (1 in pattern [B] in fig. 7) across a range of relative offsets between the reference images and their corresponding diagnostic images (as seen in fig. 7), wherein each reference image is formed using a first portion of image forming points of a first printhead ([a] in fig. 1) and wherein each diagnostic image is formed using a second portion of image forming points of either the first printhead or a second printhead ([b] in fig. 7);

detecting optional densities of the patches (step 3 in fig. 6; col.14, lines 4-8); and  
determining a compensation value for the second portion based upon the detected optical densities (step 4 in fig. 6; density is corrected for each nozzle block).

Thus, Nishikori et al. discloses all the claimed limitations except for "wherein the first reference image and the first diagnostic image at least partially overlap" and "wherein the optical density varies depending upon an extent to which the reference image and the diagnostic image overlap."

Ishibashi discloses a misalignment detection method where an alignment pattern is obtained by printing a reference pattern and a diagnostic image, wherein both partially overlap (as seen in fig. 2) and the optical density varies depending on how the quantity of overlap (paragraphs 0126-0129). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Nishikori et al. invention to include means for partially overlapping the reference image with the diagnostic image, the optical density varies depending upon an extent to which the reference image and the diagnostic image overlap as taught by Ishibashi for the purpose of detecting an optical density in order to calibrate the printheads.

***Allowable Subject Matter***

12. Claims 9-17, 19-21 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for allowance for this claim is the inclusion of the limitations of a method for calibrating one or more printheads

- Claim 9-17:

wherein the first reference image is printed while the first printhead is at a first horizontal position and wherein the first diagnostic image is printed while said one of the first printhead and the second printhead is at the first horizontal position.

- Claim 19:

wherein the first reference image has a first color and wherein the first diagnostic image has a second color distinct from the first color.

- Claim 20 and 21:

wherein a plurality of horizontal printhead error compensation values are determined by printing the first reference image and the first diagnostic image each a plurality of times while the first printhead and said one of the first printhead and the second printhead are scanned across the medium at a plurality of different print speeds.

It is these limitations, either alone or in combination as claimed, that have not been taught, found, or suggested by prior art.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-46 have been considered but are moot in view of the new ground(s) of rejection.

### ***Communication with the USPTO***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jannelle M. Lebron whose telephone number is (571) 272-2729. The examiner can normally be reached on Monday thru Friday 8:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Luu can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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